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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) ITL.0248US (P7373)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR on <u>May 11, 2007</u> Signature <u></u> Typed or printed name <u>Nancy Meshkoff</u>		Application Number 09/466,113	Filed December 17, 1999
		First Named Inventor James P. Ketrenos	
		Art Unit 2145	Examiner Adnan M. Mirza
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>28,994</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p> Signature Timothy N. Trop Typed or printed name (713) 468-8880 Telephone number May 11, 2007 Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			

<input type="checkbox"/> *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

James P. Ketrenos et al.

Serial No.: 09/466,113

Filed: December 17, 1999

For: Distributed File System
Including Multicast Retrieval

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Art Unit: 2145

Examiner: Adnan Mirza

Atty Docket: ITL.0248US
P7373

Assignee: Intel Corporation

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF PRE-APPEAL REQUEST FOR REVIEW

Sir:


Claim 1 calls for identifying whether a portion of a file system received by a client is stored in a first location associated with portions of the file system that have previously been stored by the client or rather, instead, the portion is stored in a second location associated with portions of a file system that were streamed to the client by a server.

At a minimum then, the cited reference must teach a system that stores portions of a file system streamed to the client in one location and portions that have been previously stored in another location. Secondly, the reference must teach identifying which of these two situations apply to a given stored portion.

Neither the first or the second item described above is set forth in the cited reference.

Date of Deposit: May 11, 2007

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Nancy Meshkoff

In the final rejection, material from column 7, lines 32-45 is cited. It is respectfully submitted that this does not meet either of the two missing elements. Nor does it explain which of the two elements it addresses or how it addresses both of the missing elements. Since this material was never cited before, it is difficult to understand how it meets these elements.

The first sentence is that the client file retriever passes the name of the file to a main file retriever/provider which receives the portion of the file in the main frame file storage using the operating system 26. It is not seen how this could meet either of the elements. It does not indicate whether a portion of the file system is stored in a location that has been previously stored by the client or, rather, it is stored in the second location associated with streaming. It does not even have anything to do with the file system. It seems to only talk about a single file.

Then, the quoted material goes on to talk about the receiver/provider returning the portion of the file via the reverse path. Again, there is no identifying whether a portion of a file system has anything done to it. Even if we equate file and file system, which is illogical, there is no indication whether the file has been stored in a location associated with portions of the file that have been previously stored on the client or, instead, stored in a file system that was streamed. The reason this is is the cited material has nothing to do with the distinction between previously stored and streamed data. In fact, it has nothing to do with streamed data whatsoever.

The next sentence quoted talks about a portion of the file may be less than all the file. Note that, again, we are talking about a file, not a file system, and we still are not talking about stored files versus streamed files and having different locations for them.

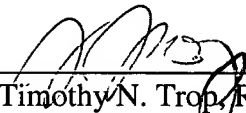
The next sentence talks about the provider providing the portion of the file or a handle to the portion of the file stored in memory or disk to a mapper. It is not seen how this is relevant.

The last sentence talks about a UNC mapper that provides the portion of the file or a handle that receives to the operating system. Again, we have no discussion of identification of whether a file system is received by the client and stored in two different locations depending on whether it was stored previously or streamed to the client.

Therefore, reconsideration would be appropriate.

Respectfully submitted,

Date: May 11, 2007



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